

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHARON SNYDER, <i>et al.</i> ,)	CASE NO. 1:17 CV 1867
)	
Plaintiffs,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
MESA UNDERWRITERS SPECIALTY)	
INSURANCE COMPANY,)	<u>ORDER</u>
)	
Defendant.)	
)	

This matter is before the Court on Defendant's Motion to Stay Proceedings, or Alternatively Motion to Enlarge the Time to Answer/Respond to the Complaint. (ECF #8). The Court found in a related case that Mesa Underwriters Specialty Insurance Company ("Mesa") owed Plaintiffs a duty to defend and indemnify Plaintiff, Secrets Gentleman's Club ("Secrets"), in connection with claims made by Plaintiffs, the Snyders in a State Court action. *Mesa v. Secrets*, Case No. 1:16 CV 2035, Docket entries 55, 56 (July 21, 2017). As part of the prior action, Plaintiffs in this case filed counterclaims against Mesa which mirror the claims in this case. At the case management conference, the Court and the parties agreed to bifurcate the declaratory judgment claim and the counterclaims, in order to allow the parties to determine

whether coverage owed before spending further resources on addressing the counterclaims. (Case No. 1:16 CV 2035, ECF #23). In the Memorandum Opinion and Judgment Entry, the counterclaims were dismissed without prejudice with leave to re-file on or before October 1, 2017. (Case NO. 1:16 CV 2035, ECF #55, 56). The claims were re-filed under this case number on September 6, 2017.

This Court's decision finding a duty to defend and indemnify is now before the Sixth Circuit Court of Appeals. Because resolution of the claims in this case are intertwined with and at least partially dependent upon that finding, the Court finds that it would be in the interest of justice to stay these proceedings pending resolution of that appeal. Allowing this case to go forward, without a definitive judgment on the duty to defend and indemnify could result in inconsistent judgments and a waste of time and resources. Therefore, Defendant Mesa's Motion to Stay (ECF #8) is GRANTED pending resolution of the appeal in Case No. 1:16 CV 2035. This case is hereby dismissed without prejudice, with leave to re-file within thirty days of the issuance of the Court of Appeals decision in the related appeal. IT IS SO ORDERED.



Donald C. Nugent
Donald C. Nugent
United States District Judge

Date: November 1, 2017